

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Timothy Mack

v.

Civil No. 10-cv-00460-JL

Claremont Ford-Lincoln-Mercury, Inc.

ORDER AFTER PRELIMINARY
PRETRIAL CONFERENCE

The Preliminary Pretrial Conference was held in chambers on **February 7, 2011.**

The Discovery Plan (document no. 8) is approved as submitted, with the following changes:

- Mediation notification deadline - **July 15, 2011**
- Summary judgment deadline - unchanged, but the court will disfavor any request for Rule 56(d) relief, because the deadline predates the closure of discovery, as is the plaintiff's preference.
- Jury trial - **May 2012**

The defendant will amend ¶¶ 3-4, 26-28 of its Answer to clearly indicate its position with respect to exhaustion.

(Counsel may agree on a more informal procedure, such as a letter

from defendant's counsel to plaintiff's counsel, with a copy to the clerk, if they wish.)

Summary Judgment. The parties and counsel are advised that compliance with Rule 56(e) and Local Rule 7.2(b), regarding evidentiary support for factual assertions, and specification and delineation of material issues of disputed fact, will be required.

Discovery disputes. Discovery disputes will be handled by the undersigned judge, as opposed to the Magistrate Judge, in the normal course. No motion to compel is necessary. The party or counsel seeking discovery-related relief should confer with adverse counsel to choose mutually available dates, and then contact the Deputy Clerk to schedule a conference call with the court. The court will inform counsel and parties what written materials, if any, should be submitted in advance of the conference call.

Customary motions to compel discovery, while disfavored by the undersigned judge, are nonetheless permissible. If counsel prefer traditional discovery litigation to the conference call procedure set forth above, any such motion to compel should expressly request, in the title of the motion, a referral to the United States Magistrate Judge. Such referral requests will

normally be granted. If the Magistrate Judge is recused, alternate arrangements will be made.

SO ORDERED.

A handwritten signature in black ink, reading "Joe Laplante", written over a horizontal line.

Joseph N. Laplante
United States District Judge

Dated: February 8, 2011

cc: H. Jonathan Meyer, Esq.
Debra Weiss Ford, Esq.